

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

_____	)	
IN THE MATTER OF:	)	U.S. EPA Region IX
	)	CERCLA Docket No. 2019-12
North Hollywood Operable Unit,	)	
San Fernando Valley (Area 1)	)	
Superfund Site	)	
Los Angeles, California	)	
	)	
Honeywell International Inc.,	)	
	)	
Respondent	)	
	)	
Proceeding under Section 106(a)	)	
of the Comprehensive Environmental	)	<b>FIRST AMENDMENT TO</b>
Response, Compensation, and Liability	)	<b>UNILATERAL ADMINISTRATIVE</b>
Act, 42 U.S.C. § 9606(a)	)	<b>ORDER FOR REMEDIAL ACTION</b>
	)	
_____	)	

**UNILATERAL ADMINISTRATIVE ORDER FOR  
REMEDIAL ACTION**

## **I. PRELIMINARY STATEMENT**

1. The Unilateral Administrative Order for Remedial Action, U.S. EPA Region IX CERCLA Docket No. 2017-06 ("2017 Order"), issued by the United States Environmental Protection Agency ("EPA") to Honeywell International Inc., is hereby amended as set forth below in this First Amendment to the Unilateral Administrative Order for Remedial Action (the "Amendment").

2. Except as noted in Paragraph 5, below, all terms defined in the 2017 Order shall have the same meaning when used in this Amendment.

3. EPA has notified the State of California (the "State") of this action pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9606(a).

## **II. TERMS AMENDING THE ORDER**

4. Section I, Paragraph 2, of the 2017 Order is amended as follows:

The Order, as defined herein, pertains to the North Hollywood Operable Unit ("NHO") of the San Fernando Valley Area 1 Superfund Site (the "NHO" or the "Site"). The Order directs Respondent to (1) design three of the "additional extraction wells" identified in section 2.3.1 of EPA's February 27, 2018 Explanation of Significant Differences ("2018 ESD") as well as the piping infrastructure necessary to convey the water from those wells to the NHO Treatment Plant located on Lankershim Boulevard; (2) abandon well NHE-1 and remove it from the extraction well network; (3) with the exception of wells NHE-2 and NHE-6, which do not require replacement at this time, and wells NHE-7 and NHE-8, which Lockheed Martin Corporation is obligated to address pursuant to a separate order, construct the remedy designed pursuant to the Administrative Settlement Agreement and Order on Consent for Remedial Design, U.S. EPA Region IX CERCLA Docket No. 2011-01, dated February 14, 2011; (4) construct the three "additional extraction wells" and the piping infrastructure necessary to convey the water from those wells to the NHO Treatment Plant located on Lankershim Boulevard; and (5) complete remedy startup and shakedown operations. All design activities required by the Order shall be conducted pursuant to the procedures set forth in the Statement of Work attached as Appendix A to the Administrative Settlement Agreement and Order on Consent for Remedial Design, U.S. EPA Region IX CERCLA Docket No. 2011-01, dated February 14, 2011. All construction activities required by the Order shall be conducted pursuant to the procedures set forth in the Statement of Work attached as Appendix B to the 2017 Order.

5. Section III, Paragraph 6, of the 2017 Order is amended to modify or add the following definitions:

"Amendment" shall mean the First Amendment to the Unilateral Administrative Order for Remedial Action, U.S. EPA Region IX CERCLA Docket Number 2019-12.

“Effective Date” shall mean the effective date of the 2017 Order, as provided in Section VIII of the 2017 Order.

“Effective Date of the Amendment” shall mean the effective date of the First Amendment to the Unilateral Administrative Order for Remedial Action, U.S. EPA Region IX CERCLA Docket Number 2019-12.

“Order” shall mean the Unilateral Administrative Order, U.S. EPA Region IX CERCLA Docket Number 2017-06, and all appendices attached hereto, as amended by the First Amendment to the Unilateral Administrative Order for Remedial Action, U.S. EPA Region IX CERCLA Docket Number 2019-12. In the event of conflict between the Order and any appendix, the Order shall control.

“2017 Order” shall mean the Unilateral Administrative Order for Remedial Action, U.S. EPA Region IX CERCLA Docket No. 2017-06.

“2009 Record of Decision” or “2009 ROD” shall mean the EPA Interim Action Record of Decision for the North Hollywood Operable Unit, signed on September 30, 2009 by the Regional Administrator, EPA Region IX, or his/her delegatee, all attachments thereto, and as modified in 2014, 2016, and 2018 by a ROD Amendment, a Memorandum to File, and the 2018 ESD respectively. The ROD and its modifications are attached as Appendix A.

“Remedial Action” or “RA” shall mean the remedial action selected in the 2009 ROD as modified by a 2014 ROD Amendment, a 2016 Memorandum to File, and the 2018 ESD.

“Remedial Design” or “RD” shall mean those activities that Respondents shall undertake to develop the final plans and specifications for the Remedial Action.

“RA Statement of Work” or “RA SOW” shall, with respect to RA and O&M activities, mean the document describing the activities Respondent must perform to implement the RA and O&M regarding the Site, which is attached as Appendix B.

“RD Statement of Work” or “RD SOW” shall mean the document describing the activities Respondent must perform to implement the remedial design regarding the Site, which is Attachment A to the Administrative Settlement Agreement and Order on Consent for Remedial Design, U.S. EPA Region IX CERCLA Docket No. 2011-01, dated February 14, 2011.

“Statements of Work” or “SOWs” shall mean both the RA SOW and the RD SOW.

6. Section IV, Paragraph 7, of the 2017 Order is amended as follows:

k. On January 10, 2014, EPA amended the 2009 ROD, identifying reinjection of the treated water as an allowable end use. On June 20, 2016, EPA issued a Memorandum to the File, concluding, consistent with the 2009 ROD, that additional extraction wells are needed to protect the North Hollywood West Well Field. In February 2018, EPA finalized the 2018 ESD, increasing groundwater extraction, expanding treatment plant capacity, and diverting some of the

extracted water to the Burbank Operable Unit of the San Fernando Valley Area 1 Superfund Site for treatment.

7. Section VIII, Paragraph 12, of the 2017 Order is amended as follows:

The 2017 Order became effective on February 1, 2018. The Effective Date of the Amendment is set forth in Section V, ¶ 20 of the Amendment.

8. Section X, Paragraph 15, of the 2017 Order is amended as follows:

**Compliance with Applicable Law.** Nothing in the Order limits Respondent's obligations to comply with the requirements of all applicable federal and state laws and regulations. Respondent must also comply with all applicable or relevant and appropriate requirements of all federal and state environmental laws as set forth in the 2009 ROD and the SOWs.

9. Section X, Paragraph 17.a(1), of the 2017 Order is amended as follows:

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U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (SFD 7-1)  
San Francisco, CA 94105  
(415) 972-3023  
[handley.bianca@epa.gov](mailto:handley.bianca@epa.gov)

10. Section X, Paragraph 18, of the 2017 Order is amended as follows:

**Performance of Work in Accordance with SOWs.** Respondent shall: (a) perform the RA in accordance with the RA SOW and the RD work in accordance with the RD SOW and (b) support EPA's periodic review efforts; all in accordance with the SOWs and all EPA-approved, conditionally-approved, or modified deliverables as required by the SOWs. All deliverables required to be submitted for approval under the Order or the SOWs shall be subject to approval by EPA in accordance with the SOWs.

11. Section X, Paragraph 19, of the 2017 Order is amended as follows:

**Emergencies and Releases.** Respondent shall comply with the emergency and release response and reporting requirements under ¶ 3.3 (Emergency Response and Reporting) of the RA SOW.

12. Section X, Paragraph 20, of the 2017 Order is amended as follows:

**Community Involvement.** If requested by EPA, Respondent shall conduct community involvement activities under EPA's oversight as provided for in, and in accordance with the SOWs. Such activities may include, but are not limited to, designation of a Community Involvement Coordinator.

13. Section X, Paragraph 21, of the 2017 Order is amended as follows:

**Modification.** a. EPA may, by written notice from the EPA Project Manager to Respondent, modify, or direct Respondent to modify, the SOWs and/or any deliverable developed under the SOWs, if such modification is necessary to achieve or maintain the Performance Standards or to carry out and maintain the effectiveness of the RD or the RA, and such modification is consistent with the Scope of the Work set forth in the SOWs. Any other requirements of the Order may be modified in writing by signature of the Assistant Director of the Superfund Division, EPA Region IX.

b. Respondent may submit written requests to modify the SOWs and/or any deliverable developed under the SOWs. If EPA approves the request in writing, the modification shall be effective upon the date of such approval or as otherwise specified in the approval. Respondent shall modify the SOWs and/or related deliverables in accordance with EPA's approval.

d. Nothing in the Order, the SOWs, any deliverable required under the SOWs, or any approval by EPA constitutes a warranty or representation of any kind by EPA that compliance with the work requirements set forth in the SOWs or related deliverables will achieve the Performance Standards.

14. Section XI, Paragraph 22.a(6), of the 2017 Order is amended as follows:

Assessing implementation of quality assurance and quality control practices as defined in the approved construction quality assurance quality control plan as provided in the RA SOW;

15. Section XIII, Paragraph 34, of the 2017 Order is amended as follows:

Not later than fifteen days before commencing any on-site Work, Respondent shall secure, and shall maintain until the first anniversary after the Notice of Work Completion pursuant to ¶ 3.5 of the RA SOW, commercial general liability insurance with limits of liability of \$1 million per occurrence, and automobile insurance with limits of liability of \$1 million per accident, and umbrella liability insurance with limits of liability of \$5 million in excess of the required commercial general liability and automobile liability limits, naming the United States as an additional insured with respect to all liability arising out of the activities performed by or on behalf of Respondent pursuant to this Order. In addition, for the duration of the Order, Respondent shall satisfy, or shall ensure that its contractors or subcontractors satisfy, all applicable laws and regulations regarding the provision of worker's compensation insurance for all persons performing Work on behalf of Respondent in furtherance of this Order. Within the same time period, Respondent shall provide EPA with certificates of such insurance and a copy of each insurance policy. Respondent shall submit such certificate and copies of policies each year on the anniversary of the Effective Date. If Respondent demonstrates by evidence satisfactory to EPA that any contractor or subcontractor maintains insurance equivalent to that described above, or insurance covering some or all of the same risks but in a lesser amount, then, with respect to that contractor or subcontractor, Respondent need provide only that portion of the insurance described above that is not maintained by the contractor or subcontractor. Respondent shall ensure that all

submittals to EPA under this Paragraph identify the Site name and the EPA docket number for this action.

16. Section XVII, Paragraph 41, of the 2017 Order is amended as follows:

During the pendency of the Order and for a minimum of ten years after EPA provides Notice of Work Completion under ¶ 3.5 of the RA SOW, Respondent shall preserve and retain all non-identical copies of Records (including Records in electronic form) now in its possession or control or that come into its possession or control that relate in any manner to its liability under CERCLA with respect to the Site, as well as all Records that relate to the liability of any other person under CERCLA with respect to the Site. Respondent must also retain, and instruct its contractors and agents to preserve, for the same period of time specified above, all non-identical copies of the last draft or final version of any Records (including Records in electronic form) now in its possession or control or that come into its possession or control that relate in any manner to the performance of the Work, provided, however, that Respondent (and its contractor and agents) must retain, in addition, copies of all data generated during performance of the Work and not contained in the aforementioned Records to be retained. Each of the above record retention requirements shall apply regardless of any corporate retention policy to the contrary.

### **III. ORDER**

17. Based on the Findings of Fact, Conclusions of Law, and Determinations set forth in the 2017 Order, the Amendment, and the administrative record, Respondent is hereby ordered to comply with the Order and any modifications to the Order, including, but not limited to, all appendices, any amendments to such appendices, and all documents incorporated by reference into the Order.

### **IV. OPPORTUNITY TO CONFER**

18. Within ten days after the Amendment is signed by the Regional Administrator or his/her delegatee, Respondent may, in writing, request a conference with EPA to discuss the Amendment, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any actions Respondent is ordered to take, or any other relevant and material issues or contentions that Respondent may have regarding the Amendment.

19. Respondent may appear in person or by an attorney or other representative at the conference. Any such conference shall be held no later than ten days after the conference is requested. Respondent may also submit written comments or statements of position on any matter pertinent to this Amendment no later than five days after the conference or within ten days after this Amendment is signed if a conference is not requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Amendment, and does not give Respondent a right to seek review of this Amendment. Any request for a conference or written comments or statements should be submitted to:

Michael Massey, Office of the Regional Counsel  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (ORC 3-1)

San Francisco, CA 94105  
(415) 972-3034  
[massey.michael@epa.gov](mailto:massey.michael@epa.gov)

#### V. EFFECTIVE DATE OF THE AMENDMENT

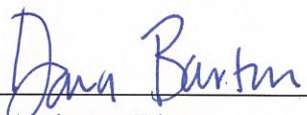
20. This Amendment shall be effective ten days after the Amendment is signed by the Regional Administrator or his/her delegatee unless a conference is requested or written materials are submitted in accordance with Section IV of this Amendment (Opportunity to Confer). If a conference is requested or written materials are submitted, this Amendment shall be effective on the later of ten days after the day of the conference, or ten days after written materials, if any, are submitted, unless EPA determines that the Amendment should be modified based on the conference or written materials. In such event, EPA shall notify Respondent, within the ten-day period, that EPA intends to modify the Amendment. The modified Amendment shall be effective five days after it is signed by the Regional Administrator or his/her delegatee.

#### VI. NOTICE OF INTENT TO COMPLY

21. On or before the Effective Date of the Amendment, Respondent shall notify EPA in writing of Respondent's irrevocable intent to comply with the Order. Such written notice shall be sent to EPA as provided in ¶ 19 of this Amendment.

22. Respondent's written notice shall describe, using facts that exist on or prior to the Effective Date of the Amendment, any "sufficient cause" defense asserted by Respondent under Sections 106(b) and 107(c)(3) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(c)(3). The absence of a response by EPA to the notice required by this Section shall not be deemed to be acceptance of Respondent's assertions. Failure of Respondent to provide such notice of intent to comply within this time period shall, as of the Effective Date of the Amendment, be treated as a violation of the Order.

It is so ORDERED.

BY:  DATE: 7/8/19  
Dana Barton, Assistant Director  
Superfund Division, EPA Region IX  
U.S. Environmental Protection Agency

